

REMARKS

Claims 1, 9-12, 22-24, 54, 56, and 71-87 were pending. Claims 1, 12, 23, 54, 71, 78, 83, 85 and 86 have been amended. Accordingly, claims 1, 9-12, 22-24, 54, 56, and 71-87 remain pending subsequent entry of the present amendment.

In the present Office Action, claims 54 and 56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,040,170 (hereinafter “Upp”). Applicant notes the clock recovery unit cited in claim 54 was read broadly by the examiner to read on a SONET line interface disclosed in Upp. However, in view of the amendment to claim 54, Applicant submits claim 54 is patentably distinguished from Upp and the remaining cited art. Claim 56 which is dependent upon claim 54 is similarly distinguished for at least this reason. Accordingly, claims 54 and 56 are believed allowable.

In addition to the above, claim 1, 12 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,854,031 (hereinafter “Ouellet”). Further, claim 9-11 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ouellet in view of U.S. Patent No. 6,914,941 (“Moshe”); claims 71-73 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,430,201 (“Azizoglu”); claims 75-77 stand rejected under 35 U.S.C. § 103 as being unpatentable over Azizoglu in view of U.S. Patent No. 6,158,014 (“Henson”), and further in view of Moshe; claims 71-74, 78-82, and 85 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ouellet in view of Henson; and claims 75-77 stand rejected under 35 U.S.C. § 103 as being unpatentable over Ouellet in view of Henson and in view of Moshe. Claims 23-34, 83-84, and 86-87 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

While Applicant does not agree with all of these rejections, Applicant has amended the claims to generally include the subject matter corresponding to that deemed allowable in order to facilitate rapid allowance of the present application.

In particular, Applicant has amended each of claims 12, 78, and 85 to recite that the inverse multiplexed translated predetermined data includes a plurality of STS signals. That the STS signals as recited may be STS-3 signals is not necessary to distinguish from the cited art. In addition, claim 12 has been amended to remove the features directed to the particular rate of the clock signal. It is believed the claim remains clearly patentable over the cited art without these previously added features. Further, the modem recited in claim 22 and 82 is not believed necessary to distinguish from the cited art. Accordingly, each of claims 12, 78 and 85 are believed in condition for allowance. Accordingly, dependent claims 22-24, 79-84, and 86-87 are also patentable.

In addition, each of independent claims 1 and 71 have been amended in a manner similar to that of claims 12, 78, and 85. Accordingly, each of these claims and their dependent claims are believed patentable for similar reasons.

In view of the above, Applicant believes all claims to be in condition for allowance. Should the examiner believe otherwise, the below signed representative requests a telephone interview at (512) 853-8866 in order to facilitate a resolution.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5957-41000/RDR.

Respectfully submitted,

/ Rory D. Rankin /

Rory D. Rankin

Reg. No. 47,884

ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
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